

Order

Michigan Supreme Court
Lansing, Michigan

June 23, 2009

Marilyn Kelly,
Chief Justice

136956

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 136956
COA: 278189
St. Joseph CC: 06-013718-FC

LARRY EUGENE WILCOX,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the June 5, 2008 judgment of the Court of Appeals is considered, and it is GRANTED, limited to the issue whether the legislative sentencing guidelines, MCL 777.1 *et seq.*, applied to the defendant's sentence and, if so, whether the defendant is entitled to be resentenced. The parties may wish to compare the result in this case with the result in *People v Walton*, unpublished opinion per curiam of the Court of Appeals, issued June 3, 2008 (Docket No. 276161).

We further ORDER the St. Joseph Circuit Court, in accordance with Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint counsel to represent the defendant in this Court.

KELLY, C.J., would also grant leave to appeal with respect to the defendant's challenge to the constitutionality of MCL 768.27a, for the reasons set forth in her dissenting statement in *People v Xiong*, 483 Mich ____ (Docket No. 135158, order entered April 17, 2009).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 23, 2009

Corbin R. Davis

Clerk